

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Sean McIntyre,	:	
	:	Case No.
Plaintiff,	:	
	:	Judge: To Be Assigned
v.	:	
	:	Magistrate Judge: To Be Assigned
Andrew Love, et al	:	
	:	
Defendants.	:	

NOTICE OF REMOVAL

Here come Defendants, Deputy Andrew Love, Perry County Sheriff’s Department, Perry County Prosecutor’s Office, and Perry County 9-1-1 Center (collectively “Defendants”), by and through counsel, and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 and hereby submit their Notice of Removal of *Sean McIntyre v. Andrew Love*, Perry County Court of Common Pleas Case No. 23-CV-00015. In support of this Notice, Defendants state as follows:

1. Plaintiff filed a Complaint on January 20, 2023, alleging claims that arise under 42 U.S.C. § 1983 and under the laws of the State of Ohio. Specifically, Plaintiff’s 42 U.S.C. § 1983 claims contend his rights under the First, Fourth, Eighth, Thirteenth, and Fourteenth Amendments to the United States Constitution were violated. (Pl. Compl, ¶¶ 49-64, 77-97).
2. Defendant Andrew Love was served with Plaintiff’s Complaint on January 26, 2023.
3. Defendant Perry County Prosecutor’s Office was served with Plaintiff’s Complaint on January 27, 2023.
4. Defendant Perry County Sheriff’s Office was served with Plaintiff’s Complaint on January 30, 2023.

5. Defendant Perry County 9-1-1 has not been served with Plaintiff's Complaint but consents to the removal of this action. By consenting to the removal of this action, Defendant Perry County 9-1-1 does not waive proper service of process.
6. Plaintiff's Complaint includes a federal question, hereby conferring this Court's original jurisdiction over civil actions arising under the laws of the United States under 28 U.S.C. § 1331.
7. This Court has original jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. §§ 1331 and 1441.
8. Defendants respectfully request this Court exercise its supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over Plaintiff's state law claims.
9. The unnamed John Doe Defendant is an unknown and unnamed potential defendant who has not been properly served and therefore their consent is not required for removal pursuant to 28 U.S.C. § 1446(B)(2)(A).
10. Removal was commenced sooner than 30 days after Defendants first received a copy of Plaintiff's Complaint.
11. Copies of all state pleadings are attached to this Notice of Removal, as required by 28 U.S.C. § 1446(a).

WHEREFORE, Defendants hereby respectfully remove this lawsuit to this honorable Court.

Respectfully Submitted,

s/ Stephanie L. Schoolcraft
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Prosecutor's Office and Perry County 9-1-1 Center*

CERTIFICATE OF SERVICE

This is to certify that the foregoing was filed electronically through the Court's system this 16th day of February 2023. A true and accurate copy of the foregoing filing has been served upon Plaintiff Sean McIntyre at 11000 Ogg Road, Corning, Ohio 43730 via U.S. Mail postage prepaid.

s/ Stephanie L. Schoolcraft
Stephanie L. Schoolcraft (0090682)
FISHEL DOWNEY ALBRECHT RIEPENHOFF LLP
*Counsel for Defendants Deputy Andrew Love, Perry
County Sheriff's Department, Perry County
Prosecutor's Office and Perry County 9-1-1 Center*